## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

EMILIO JOSE SAENZ,	)
Petitioner,	) )
vs.	) Case No: 4:05CR595 HEA
UNITED STATES OF AMERICA,	) )
Respondent.	)

## OPINION, MEMORANDUM AND ORDER

This matter is before the Court on whether Petitioner is eligible for relief under The First Step Act of 2018, Senate Bill 115-756. On February 15, 2019 the Petitioner filed his Motion for Qualification on First Step Act. [Doc. No. 221]. Thereafter, on April 19, 2019, the Probation Office filed its First Step Act Reduction Report. [Doc. No. 222].

The court has reviewed the filings relating to whether Petitioner is eligible for a reduction in sentence. The case is not one which is impacted by the retroactive application of statutory penalties of the Fair Sentencing Act. The case involved powder cocaine. Thus, The First Step Act of 2018, Senate Bill 115-756 is inapplicable here.

Accordingly,

## **IT IS HEREBY ORDERED** that there will be no reduction of sentence pursuant to the First Step Act. The Motion is **DENIED**.

Dated this 22<sup>nd</sup> day of April, 2019

HENRY EDWARD AUTREY UNITED STATES DISTRICT JUDGE